Collective Bargaining Identifier (CBID)

Overview

Definition

CBID refers to a three-digit code that is assigned to each job classification. CBID designates if a classification is rank and file (R), managerial (M), supervisory (S), confidential (C), excluded (E), exempt (E) or unassigned (U); as well as the collective bargaining unit the classification is aligned to, if applicable.

Rank and file designation

State employees in classifications that are not managerial, supervisory, confidential, excluded, or exempt are considered rank and file. Rank and file employees are subject to the Ralph C. Dills Act. CBID for these classes is the letter "R" followed by a two digit number that designates the union that is the exclusive representative for employees in these classifications.

Excluded designations

Non-rank and file or excluded designations shall be assigned to classifications/employees that meet the criteria of:

- Supervisory employees as defined in the Ralph C. Dills Act, Chapter 10.3, commencing with Section 3512, Division 4, Title 1, Section 3522.1
- Managerial employees as defined subdivision (e) of Section 3513
- Confidential employees as defined in subdivision (f) of Section 3513
- Employees of the
 - Legislative Counsel Bureau
 - Public Employment Relations Board
 - Department of Industrial Relations, State Conciliation Service classified as conciliators
 - Department of Personnel Administration
 - Department of Finance classified as professional and engaged in technical or analytical State budget preparation other than audit staff
 - State Athletic Commission working as intermittent athletic inspectors
 - State Controller's Office, Personnel/Payroll Services Division working in a professional classification
 - Executive Branch of government who are not elected to office

Overview, Continued

Confidential employee

To be assigned CBID "C," a confidential employee is any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions."

Managerial employee

CBID unit designations are assigned to managerial classifications consistent with the classifications they supervise.

To be assigned CBID "M," the following criteria must be met and described in the classification specification.

A "managerial" employee is any employee who has significant responsibilities for formulating or administering agency or departmental policies and programs or administering an agency or department. The three managerial functions that may identify an employee assigned to such a position as "managerial" are:

- 1. administering an agency or department;
- 2. formulating agency or departmental policies and programs; and
- 3. administering agency or departmental policies and programs.

Supervisory employee

CBID unit designations are assigned to supervisory classifications consistent with the classes they supervise.

To be assigned CBID "S," the following criteria must be met and described in the classification specification.

A "supervisory" employee is any individual, regardless of the job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Overview, Continued

Exempt or excluded employee

The following is an explanation of the CBID "E" designation codes.

- E99 Exempt and excluded managerial positions, which supervise staff
- **E79** Exempt and excluded managerial positions that meet classification concepts, but do not supervise staff
- E98 Supervisory positions in excluded organizations or employees of the Department of Personnel Administration in the classification of Labor Relations Analyst or Labor Relations Specialist I. (Except Legislative Counsel Bureau.)
- E78 Supervisory employees in excluded organizations or employees of the Department of Personnel Administration in the classification of Labor Relations Analyst or Labor Relations Specialist I, who are receiving red circle managerial benefits. (Except Legislative Counsel Bureau.)
- **E68** Supervisory positions in excluded organizations that meet the non-supervisory concepts of the classifications, or employees of the Department of Personnel Administration in the classification of Labor Relations Analyst or Labor Relations Specialist I. (Except Legislative Counsel Bureau.)
- E97 Positions excluded from collective bargaining who are not designated E99, E79, E98, E78, E77, E68, E67, M, S, or C in the following departments/offices: Department of Personnel Administration, Department of Finance, Public Employment Relations board, Legislative Counsel Bureau, Office of the Inspector General, California Medical Assistance Commission, Office of Planning and Research, and Governor's staff; classification codes 9522, 9525, and 9546 in the Department of Industrial Relations; exempt positions/classifications listed in Pay Letter 86-02; and classifications listed in Pay Letter 91-31.
- **E77** Employees excluded from collective bargaining who are not designated E99, E79, E98, E78, E97, E68, E67, M, S, or C in the same departments, offices positions, and classifications as those designated in E97, who receive red circle managerial benefits.

Overview, Continued

Exempt or excluded employee (continued)

- **E67** Employees excluded from collective bargaining who are not designated E99, E79, E98, E78, E97, E77, E68, M, S, or C in the same departments, offices, positions and classifications as those designated in E97, who receive red circle supervisory benefits.
- **E25** Employees whose exclusive representative is mandated by SB14 (Chapter 1273).
- **E59** Excluded managerial positions which meet class concepts, but do not supervise staff.
- **E58** Excluded supervisory employees who receive red circle managerial benefits.
- **E48** Excluded supervisory positions which meet class concepts, but do not supervise staff.
- **E01-21** Rank-and-file employees who receive red circle managerial or supervisory benefits.
- U01-21 Unassigned classes which have a split responsibility of rank and file or supervisory.

Unassigned employee

Classes designated CBID "U" have a split responsibility of rank and file or supervisory.

Confidential Designation

Confidential designation background

In the past, the Department of Personnel Administration (DPA) authorized confidential designations from the nine SEIU (previously known as CSEA) bargaining units under a master side letter and DGS was authorized to determine which positions were confidential, within the allotted number of positions allocated to the DGS by the DPA.

The current collective bargaining agreements for Units 1 and 4 include control language regarding confidential designations. These agreements supersede the previous side letter with SEIU. Confidential allocations from SEIU bargaining units are now subject to the conditions and restrictions set forth in the Unit 1 and Unit 4 contracts (refer to PML 2004-012 and 2006-002).

Note: Confidential allocations from other SEIU units and non-SEIU units must be pre-authorized by the DPA.

Purpose of designation

The purpose of designating employees confidential is to assure the DGS of the undivided loyalty of a small nucleus of individuals who can assist in developing negotiating positions and investigating and responding to employee grievances.

Confidential positions are positions that ordinarily would be part of a rank and file bargaining unit but have been removed from the unit to prevent a fundamental conflict of interest that would undermine the employer-union relationship in the collective bargaining process. Confidential positions are involved in the development of management positions (i.e., bargaining proposals) and represent management in the employer-union relationship.

Confidential defined

The Dills Act provides the legal definition of "confidential employee". Specifically, a confidential employee is "any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions.

Public Employment Relations Board (PERB) case law more particularly interprets the criteria for designating positions or employees as "confidential". Specifically:

Confidential defined (continued)

- a. PERB has determined that mere access to confidential information is not sufficient to confer confidential status. Access must occur as a part of the employee's regular duties and must relate to employer-employee relations, a category that includes negotiations and grievance processing but not personnel records and evaluations.
- b. PERB has determined that confidential information is not acquired as part of regular duties if:
 - 1. the employee receives it from a personal acquaintance;
 - 2. the employee has only peripheral contact with such information; or
 - 3. the employee's involvement with confidential information is not part of his/her job duties.
- c. PERB has determined that only a small number of employees needed to assist management in the development of bargaining positions will be given access to confidential information, including:
 - 1. Staff who gather data for negotiations proposals **and** have access to proposals and minutes of negotiating sessions.
 - 2. Secretaries who type documentation related to employee grievances and who attend grievance meetings on behalf of the employer.
 - Secretaries who type and file correspondence or minutes that contain information about the employer's bargaining positions, which if revealed, would place the employer at a disadvantage with the exclusive member of the negotiating team or has substantial input into negotiations strategy or proposals.

Confidential duties

It is the positions responsibilities and activities in the employer-employee relations discipline that determine whether or not a position is properly designated confidential. Such activities must constitute **a significant portion of the employee's job assignment** to support the confidential designation. A position performing such responsibilities only occasionally or a small portion of the time cannot support confidential status.

Confidential |. duties

(continued)

- Activities within State service that support confidential status include:
 - Participating on the management team in negotiations (State level or delegated meet and confers)
 - Notetaking at the bargaining table
 - Drafting proposals and contract language for negotiations
 - Participating in collective bargaining mediation and/or impasse resolution
 - Investigating and responding to grievances
 - Participating in grievance meetings
 - Drafting and/or negotiating settlement agreements
 - Presenting management positions at arbitration hearings
 - Presenting management positions to the PERB at unfair labor practice, decertification, and/or unit modification hearings

The following types of positions will typically support confidential status:

- > Positions working in a labor relations office
- Positions performing "confidential" duties (as described above) as a frequent, routine, and significant portion of their regularly assigned duties
- Executive Secretaries, Executive Assistants, and Administrative Assistants to Executive Office management (first and second organizational level) who provide substantial input into negotiations strategy or bargaining proposals

Note: The development of departmental policies and/or operating procedures does not constitute the development of management positions within the meaning of employer-employee relations. It is only when those policies and procedures must be negotiated with employee unions that the need for confidential status may arise. Thus, not every staff support position to policy-setting managers will warrant confidential status.

Confidential duties (continued)

II. Many activities within the human resources field have been used incorrectly to support confidential status in the past. These activities are subject to rules and regulations outside of the scope of the Dills Act and, therefore, fall outside the meaning of "confidential" in the Dills Act and do not support confidential status:

- Adverse actions, including Skelly hearings
- Classification analysis and Board item development, even when union input is necessary
- > Position allocation, including out-of-class determinations
- > Equal employment opportunity
- > Workers' compensation
- Examinations
- Personnel investigations
- > Discrimination complaints
- Civil rights investigations
- Program budget analysis
- Health and safety investigations
- Maintenance of executive manager calendars or other private information that is not related to employer-employee relations

The following types of positions most typically do NOT support confidential status, unless they are performing "confidential" duties as described in "I" above:

- Personnel analysts and other personnel office staff without labor relations responsibilities (e.g., positions responsible for classification and pay, examinations, adverse actions, workers compensation, return to work, FMLA, EAP, drug testing, or training functions)
- Personnel specialists and other transactions staff
- Secretaries to managers and supervisors in line programs, unless the manager or supervisor is in the direct line of authority over the Labor Relations function
- Internal affairs, equal employment opportunity, or civil rights investigators
- Budget or accounting staff
- > Information technology staff
- Post and bid, transfer list, or hiring administrators

Confidential duties (continued)

III. On rare occasions, **if performed a significant portion of the time**, the following duties may support confidential status, particularly when combined with other duties which are clearly confidential:

- Developing costing or budget information for management proposals
- Analyzing or drafting labor relation legislation

Note: DGS must obtain concurrence from the appropriate DPA Labor Relations Officer before using these duties to support a confidential designation.

Confidential status while on temporary assignment

Except for confidential positions, temporary assignments will not affect the employee's CBID or benefits. These will remain unchanged during the assignment since the employee is continuing to service under the same civil service appointment. Status will change when an employee in a confidential position accepts a temporary assignment to a represented position, or an employee in a represented position, accepts a temporary assignment in a confidential position. Temporary assignments include training and development (T&D) assignments, assignments made because of compelling management need, and return to work assignments for injured employees. The designations for these temporary assignments are determined as follows:

Confidential to Represented

The employee will retain his/her confidential status and receives benefits as a confidential employee. Employee would still pay fair share or Union dues for training classification, when applicable, and would have the rights, privileges, and obligations of employees in the bargaining unit containing the temporary assignment position.

Represented to Confidential

The employee's CBID would be changed to confidential and s/he would receive benefits accordingly. At end of the temporary assignment the employee would revert to represented CBID with the benefit package consistent with the position.

Continued on next page

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Confidential Designation

Step/Action

The following steps and actions are required when filling a position designated confidential and when changing a CBID to or from confidential.

Step	Action		
2	Manager, supervisor, personnel liaison (PL) submit appropriate Request for Personnel Action (RPA) including a justification (see below) that demonstrates the need for the confidential designation Classification and Pay (C&P) Analyst reviews and ensures duty statement reflects a significant parties of the appleves's job assignment to support		
	reflects a significant portion of the employee's job assignment to support the confidential designation and forwards to the Labor Relations Manager for review If Then		
	Information in the justification is not complete	C&P Analyst will contact the requesting office for additional information	
	Information in the justification is complete	C&P Analyst will submit the request to the DPA for review and approval/denial	
3	The C&P Analyst will advise the requesting office of the DPA's decision.		

Justification

The justification should answer the following questions:

- What specific examples of labor relations activities will the position be involved in that relate to:
 - > grievances
 - labor negotiation proposals to add or change MOU provisions or proposals that will change policies related to hours, wages, or other terms and conditions of employment?
- What role will the position have in direct or indirect interactions with the Labor Relations Office and union representatives?
- What relationship will the position have in terms of interaction providing advice, or acting on behalf of the Labor Relations Office?

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Confidential Designation, Continued

Justification (continued)

- Explain the function/role of the Office, Program, or Division to which the position is assigned.
- Provide actual examples of the management positions/policies with employer-employee relations implications in which the position is involved. Do any of them require the DGS to meet and confer with employee organizations? Was the DPA involved or was it delegated to the DGS? If delegated, who handled it for the DGS?

Excluded employee benefits

Some enhanced benefits are provided to excluded employees, such as life insurance, annual leave, and enhanced Delta Dental Insurance. DPA's Benefits Division publishes a "Compensation Plus" booklet that is a summary of primary benefits for excluded employees. The booklet can be accessed at www.dpa.ca.gov. This booklet gives details on the types of benefits available to managerial and supervisory employees.

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33.10

Definition

A **managerial** employee is any employee who has significant responsibilities for formulating or administering agency or departmental policies and program or administering an agency or department. The three managerial functions which may identify an employee assigned to such a position as managerial are:

- 1) Administering an agency or department
- 2) Formulating agency or departmental policies and programs
- 3) Administering agency or departmental policies and programs

A **supervisory** employee is any individual, regardless of the job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

Criteria

The definition of managerial employee, as quoted above, requires further specification in order to afford a succinct designation process to meet the idiosyncrasies of the State's diverse organizational structures.

The following definitions apply to terms used in appropriately allocating positions to the managerial designation:

Policy

A broad, general guide to actions related to attainment of an organization's primary mission(s).

Procedures

A series of related steps or tasks expressed in chronological order to achieve a specific purpose or objective.

Regulations

Rules that require specific and definite actions to be taken or not be taken with respect to a given situation.

Management concepts

- Positions that "administer an agency or department" are clearly recognizable. This is a function which is carried out by the departmental director, chief deputy director, or equivalent positions at the department's first organizational level.
- "Formulating policy" involves the exercise of discretion to develop and modify organizational actions which relate to the attainment of an organization's primary mission(s).

Positions meeting this criteria will typically be at the second organizational level functioning as deputy directors, and participating as members of the director's executive staff.

 Administering agency policy and programs means "the employee has a significant role in putting policies into effect and monitoring policies to ensure compliance."

General guidelines

Policy Role

All managerial designations MUST have a significant role in the formulation, implementation, or monitoring of departmental policy as it pertains to mission accomplishments.

Organizational Level

For positions to have a significant impact on departmental policy, they must be placed in the upper organizational levels. This placement will vary depending on departmental size.

Subordinate Supervisors

In order to allow management positions time for overall policy evolvement and administration, there is normally one or two levels of subordinate supervisors below the lowest management level. This is, however, only one of the factors to consider as there are some managerial positions with no subordinate supervisor.

Guidelines for specific situations

Headquarters Positions

Managerial employees in departmental headquarters positions MUST meet all of the following criteria:

- 1) A significant role in putting policies into effect
- 2) A significant role in monitoring policies to ensure compliance
- Possessing the authority through independent judgment to enlarge or narrow policy application beyond standard operating procedures

Decentralized Positions

- Managerial employees in large-decentralized functions, such as correctional institutions, State hospitals, transportation districts, or comparable-sized organizational units ordinarily can be identified as the institution head (Director, Superintendent, etc.). The next or second person in charge is the program manager of programs directly related to mission attainment.
- Employees in decentralized functions where district, regional, or area offices are maintained by be designated as managers if they are in charge of operations in that district, region, or area, the scope of responsibilities is large (region has more than 1,500 staff), and they possess the authority to make independent judgments to enlarge or narrow policy applications beyond standard operating procedures.

Control Agency Positions

Position in organizations reporting directly to the Governor and with primary responsibility to set and administer policy which impacts statewide programs may be designated managerial when incumbents are:

- 1) Assigned decision-making authority over a clearly defined and distinct program area
- 2) Function as the recognized State expert in the program
- 3) Given the discretion to act for the department director with only general direction from top management

Guidelines for specific situations (continued)

• Line Program Classifications v. Administrative Line program classifications are responsible for the department's primary mission and, as such, they have authority to deviate from and adapt "agency policy and programs" as necessary for mission attainment. Administrative classifications at the same organizational level as a designated managerial line program classification do not have comparable decision-making authority on issues which directly impact primary mission accomplishment. Therefore, line program classifications at a given organizational level may be designated managerial, while administrative classifications at the same organizational level may be designated supervisory.

Highest Level in a Technical Series

Managerial designations will typically not be considered for positions in classifications which are below the highest technical level in a series. For example, technical positions at the senior level may be designated managerial even when a higher level managerial classification exists with the series. An example is SSM II (M) is the highest technical level in the series, but SSM III is the highest level managerial classification in the series.

Specific exclusions

Policy is finally determined by the person who is responsible and accountable for the results of that policy. In contrast, the following roles will not typically have the level of policy responsibility expected of management levels.

- Employees throughout the organization who participate in discussions where policy alternatives are aired. However, this involvement is not equivalent to possessing "significant responsibilities for formulating" policy.
- Employees who exercise discretion only within their area of expertise, such as data processing specialists, electronic engineers, etc., usually do no have a manager's authority to formulate agency or departmental policies or programs.
- Most personnel from the first-line supervisor through what has been commonly referred to as middle management are enforcing rules and procedures that emanate from policy but require little or not independent judgment in application.

SSM specialist designation

The SSM series describes three levels used throughout State service in the performance of a wide variety of fiscal, management, and staff services functions, including such areas as personnel, budget, management analysis, administrative services, program evaluation and planning, and policy analysis and formulation. These classifications are designated either supervisory or managerial and, for the most part, should be allocated to positions that have major responsibilities for the supervision of staff. On **rare** occasions, positions may be allocated based on the SSM I and II specialist concept.

Note: SSM III positions should not be allocated as a non-supervisory "specialist". If the position is truly "policy influencing" and requires an extremely high level of expertise for a sensitive, highly active, and complex program area, the position should be allocated to the Career Executive Assignment (CEA) category. Typically these types of positions have significant policy influence and involvement, are highly political, and are involved in extremely controversial issues, and new or changing laws.

SSM I Specialist

The SSM I level is typically the first working supervisor level. On **rare** occasions, positions at this level may function as non-supervisory specialists. This leadership role must be accompanied by a role as a highly-skilled, independent consultant with the ability to act authoritatively in a functional specialty. The SSM I concept allows positions to function as non-supervisory staff specialists in difficult and sensitive program development, policy or coordination positions. The current criteria cover positions such as:

- Staff specialists in difficult and sensitive policy or program review positions.
- Principal staff position to a board or commission.
- Program development positions where the reporting relationship, level of contact, difficulty of work and higher level of knowledge, skills, and abilities warrant allocation above the Associate Analyst level.

SSM I Specialist (continued)

- Program staff support position reporting to a Department Director or Chief Deputy Director of a moderate to large department and no lower in the organization structure than the second organizational level. The duties assigned to these positions should include substantial, continuous, and significant authority and responsibility for resolving a variety of complex an sensitive line program issues directly related to the DGS' primary mission. Duties which are primarily of an administrative and/or staff support nature do not meet this criteria.
- Project leaders coordinating the work of others through taskforce type organizations. In these cases, allocations should be limited to the duration of the project.

The following examples that would **not** be appropriate for SSM I specialist allocation:

- Positions in operational units that have relatively high supervisory to staff ratios. In these instances, the supervisor is considered a "working supervisor" and should be able to address the more complex issues.
- Positions that are based on the completion of the most complex work where such work would be better distributed among unit staff working at the journey level
- Positions in which the allocation is based on an unusual combination of knowledge, skills, and abilities, e.g., a combination of line program and administrative skills.
- Positions in which the allocation is based on policy-related work that address subjects that are well established or relatively well understood, e.g., employee recruitment and selection, contracts,
- An additional specialist allocation in situations where the complex work can be concentrated and assigned to a single specialist position.
- Positions that re supported only by workload considerations.
- Positions that act as administrative assistants to Deputy Directors, Division Chiefs, or Program Managers.

Note: Allocations based on expanded scope or responsibility must have full and formal authority to act independently within expanded areas of assignment.

SSM II specialist

The SSM II (Supervisory)/(Managerial) is the full supervisory/first management level over analytical and administrative work, respectively. On **rare** occasions, positions at SSM II (Supervisory)/(Managerial) level may function as non-supervisory experts. The current criteria allow for an incumbent to function as a non-supervisory expert in a position that meets **all** of the following criteria:

- The functions to be performed are critical to the DGS' basic mission.
- The level of expertise required is definably greater that that for any other supervisory position at this level in terms of both education and experience.
- The person proposed for the position has an established reputation in the area of expertise required.

A non-supervisory SSM II allocation can be made to positions that provide a statewide or multi-departmental leadership role in a program setting. Positions are responsible for policy formulation, providing direction, and oversight on a statewide basis. The position usually works with State departments in developing a master plan with significant impact across many or all departments.

Positions at this level can be project managers assigned to work on innovative projects of major departmental or statewide impact.

Allocations should be limited to the duration of the project. Incumbents will have total responsibility for the development and implementation of policy, process, or other unique projects with new and innovative parameters. Incumbents usually have statewide expertise in the subject matter.

Positions at this level can also serve as taskforce leader with full authority for making management and executive decisions on sensitive statewide program issues. Allocations should be limited to the duration of the taskforce.

Resources

Resources

The following table depicts the various resources available regarding collective bargaining identifiers (CBID).

Decourse	Section
Resource	
Administrative Orders	04-08
http://msd.dgs.ca.gov/AO.htm	
Classification and Pay (C&P)	155
Guide	
Law and Regulation	GC 19815, 3512, 3513, 3522.1
http://www.dpa.ca.gov/statesys/dp	Ralph C. Dills Act
<u>a/laws.htm</u>	http://www.perb.ca.gov/index.dills.
http://www.dpa.ca.gov/statesys/dp	<u>htm</u>
<u>a/oalrules.htm</u>	
Memo of Understanding (MOU)	Refer to applicable MOU
http://www.dpa.ca.gov/collbarg/con	
tract/bumenu.shtm	
SPB/DPA Policy Memos	PML: 2004-012, 2006-002
http://www.dpa.ca.gov/statesys/dp	·
a/srchfpml.shtm	
Responsible Control Agency and	DPA www.dpa.ca.gov
Program	Public Employees Relation Board
	(PERB) www.perb.ca.gov
Other:	
State Payscale	2
,	http://www.dpa.ca.gov/jobinfo/pay_
	scales/toc.shtm
Compensation Plus	http://www.dpa.ca.gov/benefits/Co
	mpensationPlus/ComPlus2002.pdf
Personnel Operations Manual	http://www.documents.dgs.ca.gov/
(POM) section Allocation	ohr/pom/Allocation Guidelines.pdf
Guidelines	<u> </u>
- a	